

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN  
AT LAW AND IN ADMIRALTY

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UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No.

APPROXIMATELY \$8,000.00 IN UNITED  
STATES CURRENCY,

Defendant.

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**VERIFIED COMPLAINT FOR CIVIL FORFEITURE IN REM**

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The United States of America, by its attorneys, Gregory J. Haanstad, United States Attorney for the Eastern District of Wisconsin, and Bridget J. Schoenborn, Assistant United States Attorney for this district, alleges the following in accordance with Supplemental Rule G(2) of the Federal Rules of Civil Procedure:

**Nature of the Action**

1. This is a civil action to forfeit property to the United States of America, under 21 U.S.C. § 881(a)(6), for violations of 21 U.S.C. § 841(a)(1).

**The Defendant In Rem**

2. The defendant property, approximately \$8,000.00 in United States currency, was seized on or about July 5, 2022, from James Powell, Vickie Powell, and an individual having the initials L.P. at 3XXX N. 21<sup>st</sup> Street, Milwaukee, Wisconsin.

3. The defendant property is presently in the custody of the United States Marshal Service in Milwaukee, Wisconsin.

### **Jurisdiction and Venue**

4. This Court has subject matter jurisdiction over an action commenced by the United States under 28 U.S.C. § 1345, and over an action for forfeiture under 28 U.S.C. § 1355(a).

5. This Court has *in rem* jurisdiction over the defendant property under 28 U.S.C. § 1355(b).

6. Venue is proper in this district under 28 U.S.C. § 1355(b)(1), because the acts or omissions giving rise to the forfeiture occurred in this district.

### **Basis for Forfeiture**

7. The defendant property, approximately \$8,000.00 in United States currency, is subject to forfeiture to the United States of America under 21 U.S.C. § 881(a)(6) because it was used or intended to be used in exchange for controlled substances, represents proceeds of trafficking in controlled substances, or was used or intended to be used to facilitate a violation of 21 U.S.C. § 841(a)(1).

### **Facts**

8. Heroin is a Schedule I controlled substance under 21 U.S.C. § 812.

9. Marijuana is a Schedule I controlled substance under 21 U.S.C. § 812.

10. Cocaine is a Schedule II controlled substance under 21 U.S.C. § 812.

11. On or about November 12, 1996, James Powell was convicted of strong-arm robbery in Milwaukee County Case No. 1996CF962571. After his conviction, James Powell was, and remains, a convicted felon. As a convicted felon, James Powell is prohibited from possessing a firearm.

### **Information regarding James Powell's drug-trafficking activities**

12. In June 2022, a confidential source ("CS") stated, among other things, the following:

- A. James Powell resides at 3XXX N. 21<sup>st</sup> Street, Milwaukee, Wisconsin, which is the lower unit of a two-story duplex.
- B. James Powell sells cocaine from Powell's residence located at 3XXX N. 21<sup>st</sup> Street, Milwaukee, Wisconsin.
- C. CS had been inside James Powell's residence and had seen cocaine, firearms, and a digital scale used to weigh quantities of cocaine.
- D. James Powell accessed the vacant upper unit of the duplex – 3XXX-A N. 21<sup>st</sup> Street, Milwaukee, Wisconsin – by using the stairs to the upper unit, which were located in the rear common hallway of the residence.

### **July 5, 2022 execution of search warrant at James Powell's residence**

13. On July 5, 2022, officers executed a search warrant at the residence of James Powell, 3XXX N. 21<sup>st</sup> Street, Milwaukee, Wisconsin (the "Residence").

14. Present during execution of the warrant were James Powell, Vickie Powell (James Powell's wife), an individual having the initials L.P. (James Powell's adult son), and two juveniles.

15. On July 5, 2022, the following items, among other things, were inside the Residence:

- A. In the dining room were the following:
  - i. A loaded .40 caliber semi-automatic handgun, with 15 rounds of ammunition in the magazine.
  - ii. A loaded 9mm semi-automatic handgun, with one round of ammunition in the chamber and 12 rounds of ammunition in the magazine.
  - iii. Two additional loaded magazines.
  - iv. One box containing approximately 50 rounds of ammunition.

B. In the living room were the following:

- i. Numerous boxes containing a total of approximately 185 rounds of ammunition.
- ii. Eight rubber-banded bundles of currency totaling approximately \$8,000 in United States currency, which is the defendant property in this case.
  - a. The currency was located on top of an end table.
  - b. Denominations of the approximately \$8,000 were 410-\$100 bills, 9-\$50 bills, 163-\$20 bills, 6-\$10 bills, 24-\$5 bills, and 10-\$1 bills.

C. In the kitchen were the following:

- i. Located on the island were a digital scale and a jar containing approximately 55 grams of high-grade marijuana.
- ii. Inside a drawer on the island were the following:
  - a. A Pelican case contained a baggie containing approximately 27.18 grams of cocaine base.
  - b. A Tylenol bottle contained five corner-cut baggies containing a total of approximately 1.76 grams of cocaine base.
  - c. A prescription pill bottle contained a folded piece of aluminum foil containing approximately 0.69 grams of heroin.

D. Throughout the residence and inside James Powell's vehicle were a total of approximately 554 large variety packs of fireworks still packaged from the manufacturer. Retail prices ranged from \$200 to \$300 per package. The estimated value of the fireworks was approximately \$135,000.<sup>1</sup>

16. On July 5, 2022, officers also executed a search warrant at the upper unit of the Residence – namely, 3XXX-A N. 21<sup>st</sup> Street, Milwaukee, Wisconsin (the “Upper Unit”).

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<sup>1</sup> The fireworks were seized by officers because there is a City of Milwaukee ordinance that prohibits possessing, transporting, or selling fireworks.

17. The Upper Unit was vacant and had no living room furniture, beds, or appliances.

18. In a crawl space of the Upper Unit was a safe containing approximately \$12,400 in United States currency.<sup>2</sup>

19. In the finished basement of the residence was a baggie containing approximately 0.69 grams of marijuana.

20. Officers did not locate any pipes commonly used to smoke cocaine base, needles used to inject heroin, or straws or other devices used to snort cocaine or heroin.

21. Officers arrested James Powell. On Mr. Powell's person was a total of approximately \$2,403, of which approximately \$1,000 was in Powell's right front pants pocket and approximately \$1,403 was in his left front pants pocket.<sup>3</sup>

#### **Execution of search warrant on James Powell's cell phone**

22. On July 6, 2022, officers obtained a search warrant for James Powell's cell phone number 414-933-8XXX.

23. James Powell's cell phone received, among others, the following text messages from 414-899-5XXX:

A. On February 11, 2022, a message stating, "U feel like making sum gas money."

B. On February 25, 2022, the following messages at the stated times:

i. At 1:34 a.m., "Percs on deck pinks."

ii. At 2:54 a.m., "Soft on deck."

iii. At 8:42 a.m., a photograph of a large amount of suspected cocaine in a plastic bag.

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<sup>2</sup> On or about August 25, 2022, the Drug Enforcement Administration commenced administrative forfeiture proceedings against the approximately \$12,400 in United States currency.

<sup>3</sup> On or about September 1, 2022, the Drug Enforcement Administration commenced administrative forfeiture proceedings against the approximately \$2,403 in United States currency.

### **James Powell's recorded jail calls**

24. On July 6, 2022, and July 7, 2022, James Powell made the following recorded jail calls, among others:

- A. On July 6, 2022, at approximately 1:59 a.m., James Powell called 414-502-5XXX. During that phone conversation, Powell stated, "They got the money that I made yesterday, he missed all the money we put up, he missed the trophy." Based on their training and experience, officers believe that James Powell was referring to the execution of the search warrant at his residence and that there was possibly additional money not located by officers.
- B. On July 7, 2022, at approximately 10:59 a.m., James Powell called the same number, 414-502-5XXX. During that phone conversation, Powell spoke to a female who Powell referred to as "sis." Powell told "sis," "They took all my money."
- C. On July 7, 2022, at approximately 4:17 p.m., James Powell called the same number, 414-502-5XXX. During that phone conversation, Powell told "sis" and an unidentified male, "Ol crackers took all my work...they weren't even supposed to f\*\*\* with me like that." Based on their training and experience, officers believe the term "crackers" is a derogatory racial term for white/Caucasian people, and the phrase "my work" is a reference to Powell's money, drugs, and/or fireworks seized by officers.

### **James Powell's State Drug Charges**

25. On July 7, 2022, James Powell was charged in Milwaukee County Circuit Court, Case No. 22CF2665, with possession of cocaine with intent to deliver.

### **Administrative Forfeiture Proceedings**

26. The Drug Enforcement Administration ("DEA") began administrative forfeiture proceedings against the approximately \$8,000.00 in United States currency on the ground that the seized currency was used or intended to be used in exchange for controlled substances or was proceeds of trafficking in controlled substances.

27. On or about September 29, 2022, Vickie Powell filed a claim with the DEA in the administrative forfeiture proceedings to the defendant approximately \$8,000.00 in United States currency.

### **Warrant for Arrest In Rem**

28. Upon the filing of this complaint, the plaintiff requests that the Court issue an arrest warrant *in rem* pursuant to Supplemental Rule G(3)(b), which the plaintiff will execute upon the defendant property pursuant to 28 U.S.C. § 1355(d) and Supplemental Rule G(3)(c).

### **Claims for Relief**

29. The plaintiff alleges and incorporates by reference the paragraphs above.

30. By the foregoing and other acts, the defendant property, approximately \$8,000.00 in United States currency, was used or intended to be used in exchange for controlled substances, represents proceeds of trafficking in controlled substances, or was used or intended to be used to facilitate a violation of 21 U.S.C. § 841(a)(1).

31. The defendant approximately \$8,000.00 in United States currency is therefore subject to forfeiture to the United States of America under 21 U.S.C. § 881(a)(6).

WHEREFORE, the United States of America prays that a warrant of arrest for the defendant property be issued; that due notice be given to all interested parties to appear and show cause why the forfeiture should not be decreed; that judgment declare the defendant property to be condemned and forfeited to the United States of America for disposition according to law; and that the United States of America be granted such other and further relief as this Court may deem just and equitable, together with the costs and disbursements of this action.

Dated at Milwaukee, Wisconsin, this 17<sup>th</sup> day of January, 2023.

Respectfully submitted,

GREGORY J. HAANSTAD  
United States Attorney

By: s/BRIDGET J. SCHOENBORN  
BRIDGET J. SCHOENBORN  
Assistant United States Attorney  
Wisconsin Bar Number: 105396  
Attorney for Plaintiff  
Office of the United States Attorney  
Eastern District of Wisconsin  
517 East Wisconsin Avenue, Room 530  
Milwaukee, WI 53202  
Telephone: (414) 297-1700  
Fax: (414) 297-1738  
E-Mail: [bridget.schoenborn@usdoj.gov](mailto:bridget.schoenborn@usdoj.gov)



### Verification

I, Eric French, hereby verify and declare under penalty of perjury that I am a law enforcement officer with the West Allis Police Department (WAPD) assigned to the Milwaukee Metropolitan Drug Enforcement Group (MMDEG) based out of the High Intensity Drug Trafficking Area (HIDTA) in Milwaukee, Wisconsin, that I have read the foregoing Verified Complaint for Civil Forfeiture *in rem* and know the contents thereof, and that the factual matters contained in paragraphs 8 through 24 of the Verified Complaint are true to my own knowledge.

The sources of my knowledge and information are the official files and records of the United States, information supplied to me by other law enforcement officers, as well as my investigation of this case, together with others, as an officer with the WAPD.

I hereby verify and declare under penalty of perjury that the foregoing is true and correct.

Date: 1-17-23

s/Eric French  
Eric French  
West Allis Police Department  
North Central HIDTA  
Milwaukee Metropolitan Drug Enforcement Group